

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**GABRIEL BENSON,**

*Plaintiff,*

**v.**

**CITY OF AKRON, et al.**

*Defendants.*

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**Case No. 5:24-cv-1200**

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**NOTICE OF RESERVATION OF RIGHTS  
AND APPEARANCE BY THE OFFICE OF THE OHIO ATTORNEY GENERAL**

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The Office of the Attorney General has received notice of Plaintiffs’ constitutional challenge to R.C.2917.11(B)(1). Having read and examined the relevant pleadings, the Attorney General has elected not to participate at this time.

R.C. 2721.12 imposes a notice requirement on parties contesting the constitutionality of a statute. This requirement mandates “service of a copy of the proceeding on the Attorney General when a party challenges the constitutionality of a statute in a declaratory judgment action.” *Ohioans for Fair Representation v. Taft*, 67 Ohio St.3d 180, 182, 616 N.E. 2d 905 (1993); *see also Cicco v. Stockmaster*, 89 Ohio St.3d 95, 728 N.E. 2d 1066 (2000). The Attorney General then has discretion as to whether to “be heard” in a particular matter. *See* R.C. 2721.12.

The Attorney General respectfully requests notification of any future developments regarding the constitutional challenge in this case and reserves the right to seek leave to appear and be heard at a later time. This decision is not based upon the Office’s view of the ultimate merits of any issue raised in this case.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General

/s/ Byers B. Emmerling

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BYERS B. EMMERLING (0098835)  
Assistant Attorneys General  
Constitutional Offices Section  
30 East Broad Street, 16<sup>th</sup> Floor  
Columbus, Ohio 43215  
Tel: 614-466-2872 | Fax: 614-728-7592  
Byers.Emmerling@OhioAGO.gov

*Counsel for Non-Party Office of Ohio Attorney  
General Dave Yost*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2024, a copy of the foregoing *Notice of Reservation of Rights and Appearance of The Office of Ohio Attorney General Dave Yost* was filed via the Court's electronic filing system. Notice of this filing will be sent via the Court's electronic filing system.

/s/ Byers B. Emmerling

BYERS B. EMMERLING (0098835)

Assistant Attorney General